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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dario NERI et al.

Examiner: Alana M. Harris

Serial No.: 09/194,356

Group Art Unit: 1642

Filed: September 2, 1999

Title: ANTIBODIES TO ED-B DOMAIN OF FIBRONECTIN, THEIR CONSTRUCTION
AND USES

REPLY

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following is responsive to the office action of November 21, 2005.

Being filed herewith is another statement from Professor Kiyotoshi Sekiguchi of the Institute for Protein Research of Osaka University, Japan. This is the same person who submitted the statement dated August 29, 2005, which was filed on August 31, 2005.

This second statement refers explicitly to the first statement and contains the necessary confirmations and statements that the examiner requests in the office action. Together, these statements contain all the necessary substance of the declaration to which the examiner refers.

Based on the examiner's statements in the office action, (e.g., "Applicants have submitted a letter establishing the deposited antibodies reported in the Japanese patent do not bind the ED-B domain of fibronectin"), it is assumed the examiner agrees the substance of the prior statement was adequate to establish that the subject Japanese publications are not effective anticipations of any of the claims of this application, except for the formality problems being corrected here. To

the extent the undersigned is misunderstanding the current status of the examiner's thinking, then applicants incorporate by reference and refer the examiner to the prior response which explains in its totality why the anticipation rejections are untenable.

The same logic applies to the retained rejections under 35 USC 103.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


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Attorney Docket No.: ELLIS-0003

Date: December 28, 2005
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December 22, 2005

TO WHOM IT MAY CONCERN:

RE: JP (A) H2-76598 and JP (A) H4-169195

I am the same Kiyotoshi Sekiguchi, Ph.D., who signed a letter dated August 29, 2005, addressed to To Whom It May Concern and RE: JP (A) H2-76598 and JP (A) H4-169195, which letter, I am informed, was submitted to the U.S. Patent and Trademark Office on August 31, 2005, in conjunction with the patent application 09/194,356 of Neri et al.

I confirm that:

All statements made in said letter of my own knowledge are true, all statements made therein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made shall be subject to the penalties set forth under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or document, or the validity or enforceability of any patent, trademark registration, or certificate resulting therefrom.

Sincerely,



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